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UNITED STATES PATENT AND TRADEMARK OFFICE

Approved for Entry 2/12/07

Applicant: Roberts
Serial No.: 10/770,871
Filed: 2/3/2004
Art Unit: 3617
Examiner: Stormer, Russell D.
Title: METHOD AND APPARATUS FOR LOCATING
AN AXLE TORQUE PLATE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Dear Sir:

In response to the final Office Action of January 4, 2007, applicant respectfully requests consideration of the following remarks.

Claims 1-4, 10-22, 25, and 27-28 remain pending in the application including independent claims 1, 11, 12, 13, 16, and 25. Claims 5-9, 23-24, and 26 have been cancelled. Claims 12-15 and 22 are allowed. Claim 18 is indicated as allowable.

Claims 1, 2, 4, 10, 11, 25, and 28 stand rejected under 35 U.S.C 102(b) as being anticipated by Main (US 4354711). Claim 3, from which claim 4 depends, stands rejected under 35 U.S.C. 103(a) as being unpatentable over Main alone. Claim 1 recites the features of a non-rotating component defining a lateral axis, at least one torque plate mounted to the non-rotating component, a brake assembly mounted to the torque plate, and a radial location member supported by the non-rotating component. Main does not disclose this combination of features.

The examiner argues that Main discloses (Figure 6) a wheel end assembly that includes a spindle or non-rotating component 102 and a torque plate 100 having teeth that engage teeth on the non-rotating component 102. Component 102 of Main, which is identified as the spindle, is a

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